

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LINDA BENJAMIN,

Plaintiff,

-against-

THOMAS CARUSONA, CHRISTOPHER
BENNETT, and GURNEY'S INN
CORP. LIQUIDATING TRUST,

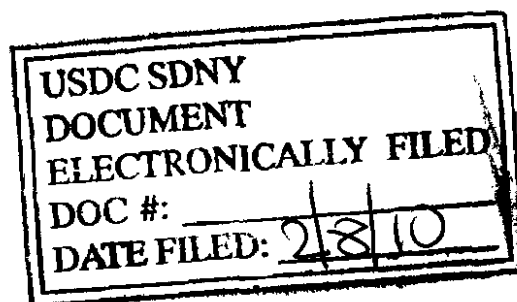
Defendants,

GURNEY'S INN RESORT
& SPA LTD.,

Nominal Defendant.
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Case No. 09 CIV 9722 (RWS)

ORDER TO SHOW CAUSE



Upon the verified complaint of plaintiff Linda Benjamin, the declaration of Linda Benjamin, executed on February 4, 2010, and the declaration of Joel C. Feffer, executed on February 7, 2010, and the memorandum of law in support of motion for injunctive relief, dated February 8, 2010; it is hereby

ORDERED that defendants Carusona and Bennett and the nominal defendant, Gurney's Inn Resort & Spa Ltd. ("Gurney's"), show cause before this Court at a hearing in Courtroom 18C, United States Courthouse, 500 Pearl Street, New York, New York on February 10, 2010 at 12:00 p.m., why an order should not be entered pursuant to Federal Rule of Civil Procedure 65 granting a preliminary injunction: (1) enjoining defendants Carusona and Bennett from seeking any indemnification, advancement of


expenses, or other payment or reimbursement from nominal defendant Gurney's for fees and expenses, including attorneys' fees, in connection with this litigation; (2) enjoining nominal defendant Gurney's from paying any indemnification, advancement of expenses, or other payment or reimbursement for fees and expenses, including attorneys' fees to any person or entity in connection with this litigation; (3) enjoining defendants Carusona and Bennett, and nominal defendant Gurney's from taking any action to amend either the Bylaws or Certificate of Incorporation of Gurney's; and (4) ordering such other and further relief as may be just and proper; and it is further

ORDERED that defendants' responsive papers to this application for a preliminary injunction shall be served and filed no later than 10 a.m., February 10, 2010, and plaintiff's reply papers, in the Court's discretion, shall be filed and served after the hearing; and it is further

ORDERED that plaintiff shall effect delivery of a copy of this Order and supporting papers upon Eaton & VanWinkle LLP, attorneys for defendants, Thomas Carusona, Christopher Bennett, and nominal defendant Gurney's, and Rivkin Radler LLP, attorneys for defendant Gurney's Inn Corp. Liquidating Trust, no later than

8 5 p.m. on February 8, 2010 by electronic mail or overnight mail, which shall constitute due and sufficient service and notice thereof.

Dated: February 8, 2010
New York, New York



Hon. Robert W. Sweet,
United States District Judge